

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.731 OF 2006

IN

CRIMINAL APPEAL NO. 1374 OF 2004

Vishal Parshuram Sunake ..Applicant

Vs.

State of Maharashtra ..Respondent

Mr.Uday Warunjikar Advocate for Applicant

Mr.Rajesh More A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI, J.

**DATE : OCTOBER 19, 2006
AT 2.35 P.M.IN CHAMBER**

P.C.

1. Heard the learned advocate for the applicant-original accused and learned A.P.P. for the State.

2. The applicant has been convicted under Section 3(1)(ii) and 3(4) of the M.C.O.C.Act. On each of two counts, the applicant has been sentenced to R.I. for five years and fine of Rs.5,00,000/- (Rs. five lakhs only) in default R.I. for one year. The applicant had earlier preferred an application

for bail which came to be rejected by this Court on 10th October, 2005. The applicant has now preferred fresh application for bail on the ground that he has been in custody for a long period and that he has undergone more than half of the period of imprisonment, hence, he may be granted bail.

3. The learned A.P.P. Mr.Rajesh More states that the substantive period of imprisonment would be completed on 24th January, 2007. He has pointed out that as the sentence of fine has not been paid, if the in default sentence of imprisonment is taken into account, the applicant would be due for release around 24th January, 2009.

4. It is seen that the appeal of the applicant has already been expedited and in fact it was on the final hearing board. Looking to the fact that applicant has been convicted under the M.C.O.C. Act and the antecedents of the applicant, I am not inclined to release the applicant on bail.

5. Office to place the appeal on the final hearing board in the week commencing from 6th November, 2006.

6. Application is rejected and is disposed of as such.

[SMT.V.K.TAHILRAMANI, J.]